

ZB# 87-26

Gina Bernabo

13-12-4

87-26- Bernabo, Gina - 6' fence - 4 ft. off Prop. line

Prelim.
May 11, 1987.
P.H.
July 13, 1987

Notice mailed
to Sentinel
6/10/87.

Collect \$25.00
due

area variance
granted
7/13/87

NEW WINDSOR ZONING BOARD OF APPEALS

-----X
In the Matter of the Application of

DECISION GRANTING
VARIANCE FOR FENCE

GINA BERNABO.

#87-26.
-----X

WHEREAS, GINA BERNABO, 40 Lawrence Avenue, New Windsor, New York, 12550, has made application before the Zoning Board of Appeals for permission to keep an existing 6 ft. stockade fence plus 40 ft. additional fencing for safety and privacy purposes, said fence being 4 ft. off property line in an R-4 zone; and

WHEREAS, a public hearing was held on the 13th day of July, 1987 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant appeared in behalf of herself; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission for an existing 6 ft. stockade fence 4 ft. off property line, plus completion of 40 ft. additional fencing on above property.

3. The evidence presented by the applicant substantiated the fact that the proposal would not be detrimental to the neighboring properties which are residential in nature.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The evidence shows that the applicant will encounter practical difficulty if the variance requested is not granted due to the fact that the lots in this area are very close together and a privacy fence is needed. Applicant also cannot purchase additional land in order to comply with bulk regulations to conform to Section 48-14A - Supplemental Yard Regulations.

2. The requested variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood which is residential in nature.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a variation of Section 48-14A - Supplemental Yard Regulations to allow 6 ft. existing stockade fencing 4 ft. off property line, plus an additional 40 ft. of fencing in accordance with plans submitted at public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: August 10, 1987.


Chairman



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

July 14, 1987

Ms. Gina Bernabo
40 Lawrence Avenue
New Windsor, N. Y. 12550

RE: APPLICATION FOR AREA VARIANCE
#87-26

Dear Ms. Bernabo:

This is to confirm that the Zoning Board of Appeals made a decision to grant the above application for a variance at the July 13, 1987 meeting.

Formal decision will be drafted at a later date and forwarded to you by return mail.

Very truly yours,

A handwritten signature in cursive script that reads 'Patricia A. Barnhart'.

PATRICIA A. BARNHART
Secretary

/pab

cc: Town Planning Board
Michael Babcock, B. I.
Hon. Andrew S. Krieger, Justice Court



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

May 27, 1987

Mr. & Mrs. Joseph P. Bernabo
40 Lawrence Ave.
New Windsor, NY 12550

Re: 13-12-4 Variance List

Dear Mr. & Mrs. Bernabo:

According to our records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$115.00, minus your deposit of \$25.00. Please remit same to the Town Clerk, Town of New Windsor, NY.

Very truly yours,

Christian E. Jahrling /cp

CHRISTIAN E. JAHRLING, IAO
SOLE ASSESSOR

CEJ/cp
Attachments

Jacopino, Edward A. & Ellen
140 Walsh Rd.
New Windsor, NY 12550

Wein, Susan & Edward J.
154 Walsh Ave.
New Windsor, NY 12550

Petrillo Properties Inc.
150 Walsh Ave.
New Windsor, NY 12550

Crudele, John & Anna T.
12 Merline Ave.
New Windsor, NY 12550

Sledzianowski, Emil
59 Clancy Ave.
New Windsor, NY 12550

Three D Realty Inc.
Oakridge Dr.
Newburgh, NY 12550

Pettine, Michael J. Jr. & Geraldine Lee &
Pettine, Frederick
102 Clancy Ave.
New Windsor, NY 12550

Lee, James D. & Geraldine A.
12 Lawrence Ave.
New Windsor, NY 12550

Thompson, Edward L. &
Broughton, Wesley
6 Hickory Ave.
New Windsor, NY 12550

Messina, Anthony
15 Merline Ave.
New Windsor, NY 12550

Salko-Mable Furniture Inc.
170 Walsh Rd.
New Windsor, NY 12550

Rahm, Elizabeth F.
15 Lawrence Ave.
New Windsor, NY 12550

Mickel, Harry E. & Eileen G.
19 Lawrence Ave.
New Windsor, NY 12550

Grzibowski, Chester J. & Evelyn T.
12 Melrose Ave.
New Windsor, NY 12550

Windsor Enterprises Inc.
PO Box 928
Vails Gate, NY 12584

Coykendall, Helen M.
11 Melrose Ave.
New Windsor, NY 12550

Covert, G.R.
RR 8, Box 320 Arrowhead Rd.
Hopewell Junction, NY 12533

Netz, Albert H.
9 Melrose Ave.
New Windsor, NY 12550

Lennon, Esther E. & Gary G.
3 Melrose Ave.
New Windsor, NY 12550

Mans, Clarence P.
PO Box 247
Vails Gate, NY 12584

Robinson, Gordon L. & Bernice
43 Blanche Ave.
New Windsor, NY 12550

Connor, Robert E. & Kathleen
Box 4112
New Windsor, NY 12550

Detz, Frank & Dorothy
39 Blanche Ave.
New Windsor, NY 12550

Stent, Jeffrey A. & Jeanne S.
15 Melrose Ave.
New Windsor, NY 12550

Szajko, Nicholas James & Angela S.
24 Clancey Ave.
New Windsor, NY 12550

Conklin, Joseph H. & Agnes
28 Blanche Ave.
New Windsor, NY 12550

Grossholtz, Rose
19 Windsor Dr.
New Windsor, NY 12550

Rahemba, Joseph C. & Joyce M.
40 Blanche Ave.
New Windsor, NY 12550

Simanoski, Charles & Anna
Bradford Ave.
New Windsor, NY 12550

Orzechowski, Stella
61 Blanche Ave.
New Windsor, NY 12550

Donahue, Thomas & Marie
77 Fifth Ave.
Newburgh, NY 12550

Stanford, Leroy & RoseMarie
53 Melrose Ave.
New Windsor, NY 12550

Konrad, John & Helen
49 Melrose Ave.
New Windsor, NY 12550

Kirk, Frances & Jeffrey W.
45 Melrose Ave.
New Windsor, NY 12550

Brink, Angela
37 Melrose Ave.
New Windsor, NY 12550

Starr, Edward P. & Pauline
31 Melrose Ave.
New Windsor, NY 12550

Coykendall, Roy W.
25 Melrose Ave.
New Windsor, NY 12550

Ramos, William
17 Melrose Ave.
New Windsor, NY 12550

Gandolfini, Peter L. & Christine M.
16 Melrose Ave.
New Windsor, NY 12550

Graham, William J. Jr. & Deborah
20 Melrose Ave.
New Windsor, NY 12550

Gaydos, Pauline
26 Melrose Ave.
New Windsor, NY 12550

Pacione, Tobio & Susan
30 Melrose Ave.
New Windsor, NY 12550

Meadowbrook Gardens
435 E. 65th St., Apt 2D
New York, NY 10021

Kulik, Amelia
38 Melrose Ave.
New Windsor, NY 12550

Mikutis, Anthony & Helen
44 Melrose Ave.
New Windsor, NY 12550

Pushman, Albert E. Jr. & Audrey R.
46 Melrose Ave.
New Windsor, NY 12550

Simanoski, Edward A. & Helen B
56 Melrose Ave
New Windsor, NY 12550

Malinowski, Thaddeus E. &
Rymaszewski, Wanda
39 Lawrence Ave.
New Windsor, NY 12550

Reinholz, Frank W. & Laura A.
33 Lawrence Ave.
New Windsor, NY 12550

Smedley, Frank S.
27 Lawrence Ave.
New Windsor, NY 12550

Dempsey, Allen & Minnie
200 Midway Park Dr.
Middletown, NY 10940

The Disabled American Veterans
c/o The Thomas D. Peterkin Post Chapter 152
39 Lawrence Ave.
New Windsor, NY 12550

Kadian, Dennis & Linda
36 Lawrence Ave.
New Windsor, NY 12550

Corrieri, Franco & Lillian
44 Lawrence Ave.
New Windsor, NY 12550

Rymaszewski, Wanda S.
Lawrence Ave., MD 23
New Windsor, NY 12550

Russell, Barry G. & Deborah L.
60 Lawrence Ave.
New Windsor, NY 12550

McDermott, Michael & Theresa
57 Merline Ave.
New Windsor, NY 12550

Yonnone, Carmine & Fannie
51 Merline Ave.
New Windsor, NY 12550

Administrator of Veterans Affairs
Regional Office
252 Seventh Ave.
New York, NY 10001

DeToro, Thomas W. & Rose M.
45 Merline Ave.
New Windsor, NY 12550

Corrieri, Tiberio & Frank & Lillian
44 Lawrence Ave.
New Windsor, NY 12550

Kerr, Hazelton M. & Anna V.
37 Merline Ave.
New Windsor, NY 12550

Sears, James W. & Rose T.
35 Merline Ave.
New Windsor, NY 12550

Guerra, Simone & Jeanette A.
33 Merline Ave.
New Windsor, NY 12550

Cimorelli, Gus & Anna S.
MD 23 Merline Ave.
New Windsor, NY 12550

Garzzone, Nicholas A. & Jean
27 Merline Ave.
New Windsor, NY 12550

Tolnai, John & Katalin
25 Merline Ave.
New Windsor, NY 12550

Crudele, Alfred T.
64 Clancey Ave.
New Windsor, NY 12550

Masloski, Louis & Helen
22 Merline Ave.
New Windsor, NY 12550

Hulse, Byron & Mary
34 Merline Ave.
New Windsor, NY 12550

Davis, Charles H. & Fanny
30 Merline Ave.
New Windsor, NY 12550

DiMaria, Charles & Eleanor T.
164 Quassaick Ave.
New Windsor, NY 12550

Gillespie, Gerald &
Livingstone, Joan
36 Merline Ave.
New Windsor, NY 12550

Clark, John R. & Susan M.
42 Merline Ave.
New Windsor, NY 12550

Manning, George & Sheila
46 Merline Ave.
New Windsor, NY 12550

Stuit, Jerry L.
48 Merline Ave.
New Windsor, NY 12550

Maher, Dennis P. & Joan L.
54 Merline Ave.
New Windsor, NY 12550

Reidulski, John
60 Merline Ave.
New Windsor, NY 12550

Vignogna, Daniel J. Jr. & Patricia
41 Myrtle Ave.
New Windsor, NY 12550

Menga, Bartholomew & Alice
39 Myrtle Ave
New Windsor, NY 12550

Marshall, Barry F. & Mary Ann
31 Myrtle Ave
New Windsor, NY 12550

Thiel, Kurt P. & Palm
27 Myrtle Ave.
New Windsor, NY 12550

Gorman, Edward T. Jr. & Gretchen L.
23 Myrtle Ave.
New Windsor, NY 12550

Kaczmarek, Della & John
13 Myrtle Ave.
New Windsor, NY 12550

New Windsor, NY 12550

Crudele, Alfred T.
64 Clancey Ave.
New Windsor, NY 12550

Bucci, Richard & Brenda
2 Myrtle Ave.
New Windsor, NY 12550

Canissario, Daniel G. & Lori
12 Myrtle Ave.
New Windsor, NY 12550

Reardon, Joseph A. & Ethel K.
14 Myrtle Ave.
New Windsor, NY 12550

Cangelosi, Gasper & Elizabeth
20 Myrtle Ave.
New Windsor, NY 12550

Carlson, Carl E. & Gwendolyne
26 Myrtle Ave.
New Windsor, NY 12550

Makarewicz, Edward
31 Cherry Ave.
New Windsor, NY 12550

Flagler, Richard P. & Jane
Plains Rd, Box 116
Wallkill, NY 12589

Cardamone, Frank & Anna
27 Cherry Ave.
New Windsor, NY 12550

Makarewicz, Stanley R. & Dorothea
17 Cherry Ave
New Windsor, NY 12550

Delicio, Daniel & Dolores
53 Myrtle Ave.
New Windsor, NY 12550

Corso, Anne
63 Bradford Ave.
New Windsor, NY 12550

Ladick, John J.
68 Merline Ave.
New Windsor, NY 12550

Yonnone, Cosmo & Carmela
78 Merline Ave.
New Windsor, NY 12550

Linton, David S. & Frances
59 Myrtle Ave.
New Windsor, NY 12550

Esposito, Anthony & Iolanda
Merline Ave, MD 23
New Windsor, NY 12550

Greiner, Philip & Judy
70 Lawrence Ave.
New Windsor, NY 12550

Hamilton, David K. & Cheryl A.
74 Lawrence Ave.
New Windsor, NY 12550

Ponessi, Paul & Dorina
73 Merline Ave.
New Windsor, NY 12550

Olympia, Susan C.
58 Melrose Ave.
New Windsor, NY 12550

D'Amico, William & Marie C.
64 Melrose Ave.
New Windsor, NY 12550

D'Amico, William A. & Maria C.
73 Lawrence Ave.
New Windsor, NY 12550

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

Pat
Prelim.
2/23/87. -
withdrawn
** see*
attached
memo

Prelim.:
May 11, 1987.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date 7/14 1986

To: Gina Bernabo

46 LAWRENCE AVE 561-6143

New Windsor

PLEASE TAKE NOTICE that your application dated 6/17 1986

for permit to Put Stockade Fence up on Property

at the premises located at 46 LAWRENCE AVE

is returned herewith and disapproved on the following grounds:

Variance to Keep Fence 4' off Property

LINE (48-33B)

John H. ...
Building Inspector

Requirements

Min. Lot Area

Min. Lot Width

Reqd. Front Yd.

Reqd. Side Yd.

Reqd. Rear Yd.

Proposed or
Available

Variance
Request

ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

memo

Prelin:
May 11, 1987.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date 7/14, 1986

To: GINA BERNABO

46 LAWRENCE AVE 561-6143

New Windsor

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for permit to Put Stockade Fence up on Property

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VARIANCE to Keep Fence 4' off Property
LINE (48-33B)

John H. ... Building Inspector

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.	1	1
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage*	%	%
Floor Area Ratio**		

* Residential Districts only

** Non-residential districts only

No.

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

STOP ORDER

All work contemplated to be done under Building Permit No. 3294 shall be forthwith
suspended and all persons shall stop work thereon until this STOP ORDER has been rescinded.

This Order will be rescinded upon the following conditions:

H8 - 33 B VARIANCE TO KEEP
FENCE 4' OFF PROP. LINE

Dated: 7/11/, 1986

Michael Bukach
Building Inspector

STOP ORDER RESCINDED

Dated:, 19.....

.....
Building Inspector

(11)

Name of Owner of Premises Genia Bernate
Address 40 Lawrence Ave New Windsor Phone 561-6143
Name of Architect
Address Phone
Name of Contractor Ken Harrison
Address 287 Hudson St Canaan on Hudson Phone 534-3378
State whether applicant is owner, lessee, agent, architect, engineer or builder: OWNER BUILDER
If applicant is a corporation, signature of duly authorized officer.

.....
(Name and title of corporate officer)

1. On what street is property located? On the WEST side of LAURENCE AVE.
(N. S. E. or W.)
and feet from the intersection of CANAL AVE + LAURENCE AVE
2. Zone or use district in which premises are situated R 4
3. Tax Map description of property: Section 13 Block 12 Lot 4
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:
a. Existing use and occupancy RES b. Intended use and occupancy RES
5. Nature of work (check which applicable): New Building..... Addition..... Alteration..... Repair..... Removal.....
Demolition..... Other Fence 6' HIGH
6. Size of lot: Front 75 Rear 75 Depth 100 Front Yard..... Rear Yard..... Side Yard.....
Is this a corner lot? NO
7. Dimensions of entire new construction: Front..... Rear..... Depth..... Height..... Number of stories.....
8. If dwelling, number of dwelling units..... Number of dwelling units on each floor.....
Number of bedrooms..... Baths..... Toilets.....
Heating Plant: Gas..... Oil..... Electric...../Hot Air..... Hot Water.....
If Garage, number of cars.....
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use.....
10. Estimated cost \$250.00 Fee \$20.00
(to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

IMPORTANT

REQUIRED INSPECTIONS OF CONSTRUCTION — YOU MUST CALL FOR THESE

Other inspections will be made in most cases, but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections, it has not been approved, and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS — 565-8807

Name of Contractor James J. Patterson

Address 287 Hudson St Cambridge, MA 02139 Phone 534-3378

State whether applicant is owner, lessee, agent, architect, engineer or builder:..... Owner Builder

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the WEST side of LAWRENCE AVE.
(N. S. E. or W.)

andfeet from the intersection of.....CLANCY AVE + LAWRENCE AVE.....

2. Zone or use district in which premises are situated R 4

3. Tax Map description of property: Section.....13..... Block.....13..... Lot.....4.....

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:

a. Existing use and occupancy RES b. Intended use and occupancy RES

5. Nature of work (check which applicable) : New Building.....Addition.....Alteration.....Repair.....Removal.....

Demolition.....Other.....*Fence* *6' HIGH.*

6. Size of lot: Front. 75 Rear. 75 Depth 100 Front Yard..... Rear Yard..... Side Yard.....

Is this a corner lot? *NO*

7. Dimensions of entire new construction: Front..... Rear..... Depth..... Height..... Number of stories.....

8. If dwelling, number of dwelling units..... Number of dwelling units on each floor.....

Number of bedrooms..... Baths..... Toilets.....

Heating Plant: Gas..... Oil..... Electric...../Hot Air..... Hot Water.....

If Garage, number of cars.....

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use.....

10. Estimated cost 250.00 Fee 20.00
(to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

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CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS - 565-8807

- 1—When excavating is complete and footing forms are in place (before pouring).
- 2—Foundation Inspection - check here for waterproofing and footing drains.
- 3—Inspect gravel base under concrete floors, and underslab Plumbing.
- 4—When framing is completed, and before it is covered from inside, and Plumbing rough-in.
- 5—Plumbing final & final. Have on hand Electrical Inspection Data per the Board of Fire Underwriters, and final certified plot plan. Building is to be complete at this time.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —

Planning Board.....
Highway.....
Sewer
Water
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date... June 17th 1986

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

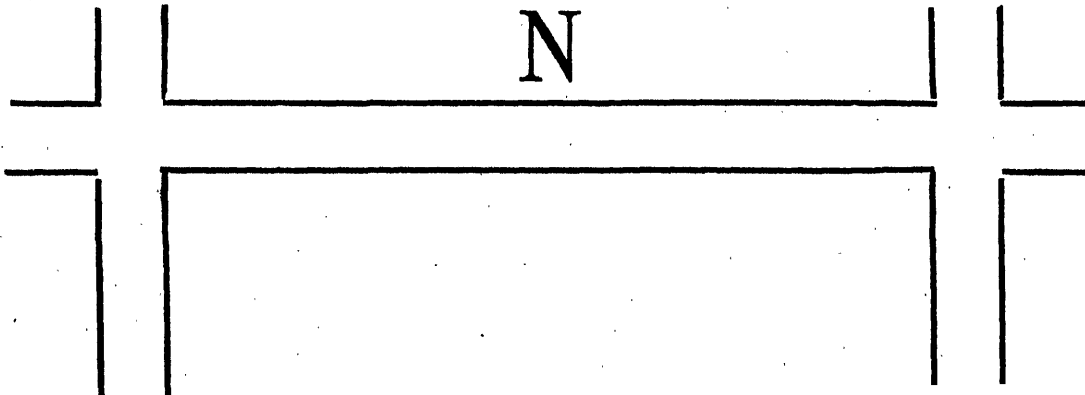
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

.....
(Signature of Applicant)

287 HUDSON ST. CORNWALL, NEW YORK
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Refer -
Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals.....

APPLICATION FOR BUILDING PERMIT
Pursuant to New York State Building Code and Town Ordinances

Date... June 17th 1986

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- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

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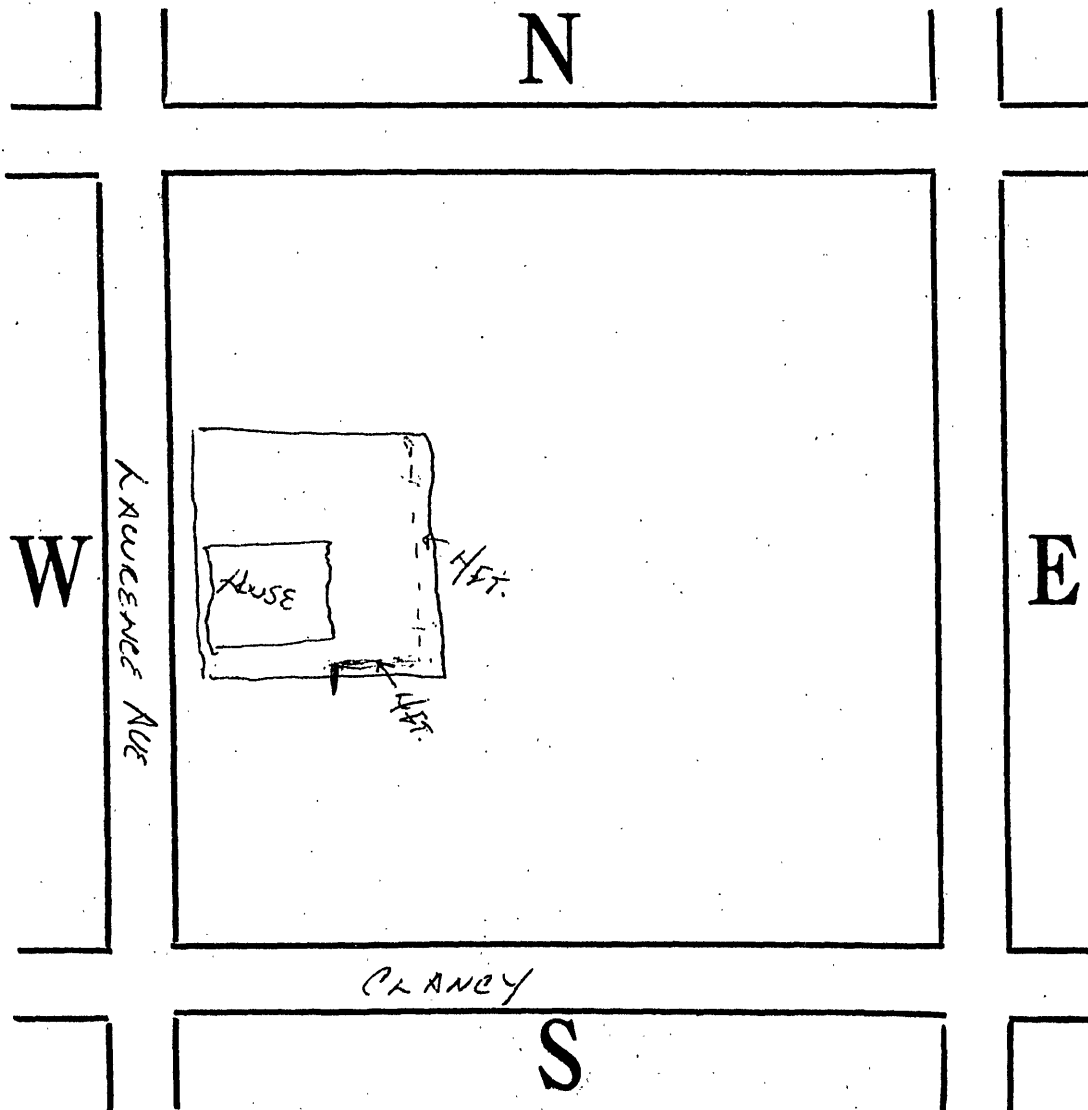
..... *Kevin Harrington*
(Signature of Applicant)

..... 287 HUDSON ST. CORNWALL, NEW YORK
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Permit No: 3294

File Date: 6/17/86

BUILDING PERMIT

SEC-BLK-LOT: 13-12- 4. 0

Permit Fee: \$\$\$\$20.00

A permit is hereby given by the Zoning Officer of the Town of New Windsor, Orange County, N.Y., for the building described herein:

Owner's Name: GINO BERNARD

Address: 46 LAWRENCE AVE, NEW WINDSOR

Architect's Name:

Address:

Builder's Name: KEVIN HARRINGTON

Address: 287 HUDSON ST., CORNWALL-ON-HUDSON

Location of Building: W/S LAWRENCE AVE

Material: SEE PLANS

Number of Stories: 0.0

Number of Families: 0

Dimensions of Building:

Dimensions of Lot:

Use of Building: FENCE

Number of Bedrooms: 0

Number of Toilets: 0


Number of Bathrooms: 0.0

Heating Plant: N/A

Remarks: INSTALLATION OF 6" HIGH FENCE

Approximate Cost: \$\$\$\$\$\$250.00

1. I am familiar with the Zoning and Building Ordinance of the Town of New Windsor, and do hereby agree to abide by them.
2. The information stated above is correct and accurate.


Signature of Applicant

IMPORTANT

1. A permit under which no work has commenced within six (6) months after issuance, shall expire by limitation, and a new permit must be secured before work can begin.
2. It is the responsibility of the owner and/or contractor to comply with all applicable town ordinances and to call for the required inspections at least one day in advance.


Signature of Building Inspector

PUBLIC NOTICE
OF HEARING BEFORE
ZONING BOARD
OF APPEALS
TOWN OF NEW WINDSOR
PLEASE TAKE NOTICE that
the Zoning Board of Appeals of
the TOWN OF NEW WINDSOR,
New York will hold a Public
Hearing pursuant to Section
48-34A of the Zoning Local Law
on the following proposition:
APPEAL NO. 26
Request of GINA BERNABO
for a VARIANCE of the regula-
tions of the Zoning Local Law to
permit CONSTRUCTION OF 6'
FENCE 4' OFF PROPERTY
LINE ON REAR OF PROPER-
TY, being a VARIANCE of Sec-
tion 48-14C (1) Supplementary
Yard Regs. for property situated
as follows:
40 LAWRENCE AVENUE,
TOWN OF NEW WINDSOR,
N.Y.
SAID HEARING will take
place on the 13th day of July
1987, at the New Windsor Town
Hall, 555 Union Avenue, New
Windsor, N.Y. beginning at 7:30
o'clock P.M.
Jack Babcock
Chairman
By: Patricia A. Barnhart
Secretary

PATRICIA A. MOORE
Notary Public, State of New York
Qualified in Orange County
No. 4814759
Commission Expires July 31, 1988

State of New York
County of Orange, ss:

Everett Smith, being duly sworn
disposes and says that he is
Publisher of the E.W. Smith
Publishing Company, Inc. publisher
of The Sentinel, a weekly newspaper
published and of general circulation
in the Town of New Windsor, and that
the notice of which the annexed is
a true copy was published Once
in said newspaper, commencing on
the 18th day of June A.D., 19
and ending on the 18th day of June
A.D. 1987
Everett Smith
Subscribed and shown to before me
this 7 day of 7, 1987
Patricia Moore
Notary Public of the State of New York
County of Orange.
My commission expires 7/31/88

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

87-26.

Date: 6/9/87

I. ✓ Applicant Information:

- (a) Bunabo, Gina, 40 Lawrence Ave. New Windsor, NY X
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Special Permit

III. ✓ Property Information:

- (a) R-4 40 Lawrence Ave. 13-12-4 _____
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? none
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 1980.
- (e) Has property been subdivided previously? NO When? -
- (f) Has property been subject of variance or special permit previously? NO When? -
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A.

IV. ~~Use Variance:~~

- ~~(a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____~~

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. ✓ Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-14C, Table of _____ Regs., Col. _____.

(1)

<u>Fences.</u> Requirements	Proposed or Available	Variance Request
Min. Lot Area	_____	_____
Min. Lot Width	_____	_____
Reqd. Front Yd.	_____	_____
Reqd. Side Yd.	<u>1</u>	<u>1</u>
Reqd. Rear Yd.	_____	_____
Reqd. Street Frontage*	_____	_____
Max. Bldg. Hgt.	_____	_____
Min. Floor Area*	_____	_____
Dev. Coverage* %	_____ %	_____ %
Floor Area Ratio**	_____	_____

* Residential Districts only

** Non-residential districts only

- ✓ (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

Applicant requires privacy from neighbors who constantly harass applicant and have caused applicant to sustain severe emotional problems.

VI. ~~Sign Variance:~~

- ~~(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.~~

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq. ft.	_____ sq. ft.	_____ sq. ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) ~~What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?~~

VII. ~~Special Permit:~~

- (a) ~~Special Permit requested under New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.~~
- (b) ~~Describe in detail the use and structures proposed for the special permit~~

VIII. ✓ Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Wooden stockade fence is painted and kept in good repair. Does not disturb quality of neighboring properties.

IX. ✓ Attachments required:

- ✓ Copy of letter of referral from Bldg./Zoning Inspector.
✓ Copy of tax map showing adjacent properties.
N/A Copy of contract of sale, lease or franchise agreement.
✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
N/A Copy(ies) of sign(s) with dimensions.
✓ Check in the amount of \$25.00 payable to TOWN OF NEW WINDSOR.
✓ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date June 10, 1987

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Gina Bernabè
(Applicant)

Sworn to before me this
____ day of _____, 19____.

XI. ZBA Action:

- (a) Public Hearing date _____.
- (b) Variance is _____.
- Special Permit is _____.
- (c) Conditions and safeguards: _____
- _____
- _____
- _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 26

Request of Gina Bernabo.

for a VARIANCE ~~SPECIAL PERMIT~~ of

the regulations of the Zoning Local Law to

permit to construct 6' fence,

4 ft. off property line on rear of property;

being a VARIANCE ~~SPECIAL PERMIT~~ of

Section 48-14.C (1) - Supplementary Yard Regs.

for property situated as follows:

40 Lawrence Avenue, Town of.

New Windsor, N.Y.

SAID HEARING will take place on the 13th day of
July, 1987, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

Jack Babcock.
Chairman

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
TOWN BUILDING/ZONING INSPECTOR BABCOCK

FROM: ZONING BOARD OF APPEALS

SUBJECT: PUBLIC HEARINGS BEFORE THE ZBA - 7/13/87

DATE: July 7, 1987

Please be advised that the following public hearing will be heard before the Zoning Board of Appeals on the above date:

BERNABO, GINA - VARIANCE FOR FENCE
SCHIAVONE, JOSEPH - VARIATION OF SEC. 48-14A(4)
RHEIN, DANNY - LOT AREA & LOT WIDTH VARIANCES
MILLER, SCOTT - LOT AREA VARIANCE
RACETTE, EUGENE - LOT AREA VARIANCE

I have attached hereto copies of the pertinent application together with public hearing notice which were published in The Sentinel.

Patricia A. Barnhart, Secretary
Zoning Board of Appeals

/pab

Attachments

CC: ZBA
File

MEMORANDUM FOR RECORD

April 10, 1987

RE: **BERNABO, GINA ads. PEOPLE**

In a telephone conversation with Daniel J. Bloom, Esq. on April 9, 1987 relative to the motion to dismiss the criminal charges pending against GINA BERNABO, I advised Dan that I did not think there was any criminal conduct committed by his client by erecting the fence since there could not be any criminal intent when they were in possession of a building permit. However, once they were given a notice of violation and failed to comply with the notice, they were properly given the citation to appear in court and their failure to comply with the Zoning Inspector's notice may constitute criminal conduct because there would be criminal intent to not comply with the notice.

The issue of the Building Inspector having the authority to issue a Building Permit for the erection of a fence that does not conform to the Zoning Local Law would be impossible since the building permit would be a nullity. The Building Inspector can only issue building permits for those structures that are within the code, authorized within the code or that are authorized by a variance granted by the ZBA.

The issue as to whether the Town is liable for any damages that may have been incurred for a building permit that was issued erroneously by the Town is a question that demands further investigation.

I recommended to Dan that his client appear before the ZBA. Dan is going to write to Andrew S. Krieger to adjourn the entire proceeding for a period of two (2) months to allow his client an opportunity to go before the ZBA. In the event the ZBA denies his client's request for a variance, Dan wants to reserve all rights to continue with the proceeding that is now pending before the court. The Town must submit an affidavit in opposition to the notice of motion that is now pending.

JTS